

NORTH DEVON COUNCIL

Minutes of a meeting of the EXECUTIVE held at the Brynsworthy Environment Centre, Barnstaple on Monday 4th December 2017 at 10.00 a.m.

PRESENT: Members:

Councillor Brailey (Leader)

Councillors R. Cann, Edgell, Jones, Lane, Luggar, Moores and Yabsley.

Also Present:

Councillors Edmunds, Greenslade and Moore.

Officers:

Chief Executive, Head of Resources, Head of Corporate and Community, Chief Planning Officer, Procurement and Service Delivery Manager, Parking Manager, Economic Growth Manager, Solicitor (DH), Project and Procurement Officer (LW), Housing Services Manager, Lead Officer (Food, Health and Safety) and Senior Corporate and Community Services Officer (BT).

76 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Barker.

77 MINUTES

RESOLVED that the minutes of the meeting held on 6th November 2017 (circulated previously) be approved as a correct record and signed by the Chairman.

78 LEADER'S ANNOUNCEMENTS

(a) Christmas wishes

As it was the last meeting of the Executive prior to Christmas, the Leader wished everyone a Happy Christmas.

(b) Surfers Against Sewerage Plastic Free North Devon Campaign

Councillor R. Cann advised that the Surfers Against Sewerage Group have successfully launched the Plastic Free North Devon campaign at a packed, standing room only public meeting at Braunton Countryside Centre. The presentation was a highly professional standard with support from members

of the AONB and Biosphere who were in attendance. He advised that he had attended as a member of the public and during a question and answer session described some of the work the Council was undertaking in North Devon that was complementary to the aims of Group. It was evident that the Group's Campaign had widespread public support and had recently had public awareness heightened by the BBC television series Blue Planet 2. He stated that he believed it would be in the interests of protecting and enhancing North Devon's very special environment that the Council supports or runs in parallel a campaign to help clean up and protect our beautiful area. He suggested a number of ways in which the Council could help with the campaign such as:

- Contact and encourage Parish Councils to sign up to a Plastic Free Commitment.
- Re-launch and highlight our practical support to encourage Community involvement in keeping North Devon a litter and plastic free area.
- The practical support by making available to organised groups litter picking equipment and bags.
- Collecting by prior agreement the detritus collected by community groups. This would at times be subject to Council resources being available.
- Launch our "Sponsor a Bin" initiative that had been so successful in Lynton and Lynmouth. (Bins could be normal litter bins or preferable of the Recycle compartment type to encourage recycling)
- Promote schemes such as a more environmentally friendly biodegradable doggy bag campaign.

RESOLVED that the Executive Procedure Rules be waived to enable representatives from the Surfers Against Sewerage Group the opportunity to address the Executive.

Representatives from the Surfers Against Sewerage Group addressed the Executive. They advised that the campaign was part of a national campaign to remove single use of plastics i.e. plastic cutlery and plastic cups. The aim was to move away from single use plastic to compostable alternatives. Support had already been obtained from some Parish Councils and Devon County Council. Many smaller businesses did not recycle. Local businesses had been requested to stop using three single use plastics. There was a need to stop plastics appearing on beaches. Due to a significant number of holiday lets in Croyde, the population rose from 600 during the winter period to 10,000 during the summer period. Many holiday lets did not provide recycling facilities. It was suggested that the Council consider how it could support the campaign and actions it could take.

Councillor R. Cann advised that he would set up a working party to work with the Surfers Against Sewerage Group to identify ways that the Council could support the campaign and actions it could take.

RESOLVED that the Executive Procedure Rules be re-instated.

DECISIONS

- (a) That the Surfers Against Sewerage Group's Plastic Free Campaign for North Devon be supported;
- (b) That a report be presented to a future meeting of the Executive outlining how the Council could support the campaign and actions it could take.

REASON FOR DECISIONS

To support the Surfers Against Sewerage Group's Plastic Free Campaign and assist the Council in protecting the natural environment and meeting its statutory recycling rate of 50% by 2020.

(c) ITEM 10 "EXECUTION OF SECTION 106 AGREEMENT – WESTACOTT GRANGE": TABLED LETTER

The Executive requested the opportunity to read the letter that had been tabled in relation to item 10 on the agenda "Execution of Section 106 Agreement – Westacott Grange" prior to consideration of the report.

79 DECLARATIONS OF INTEREST

There were no declarations of interest announced.

80 BEAUFORT WALK, GORWELL

Concern was expressed by some Members of the Executive regarding the reasons as to why item 15 "Beaufort Walk, Gorwell" was confidential and considered under Part B on the agenda.

The Head of Corporate and Community advised that the report had been placed under Part B on the agenda due to the commercial sensitivity of the business plan. There was a need to be satisfied that it met criteria as contained in Schedule 12A to the Local Government Act 1972 (as amended) and that it met the public interest test.

The Housing Services Manager advised that paragraph 4.7 in the report contained the reasons as to why the report was confidential.

Councillor Lane expressed his concern as to why the report was confidential and not being considered under Part A of the agenda. He suggested that the report be deferred for one cycle to enable those elements of the report that were confidential to be removed and enable consideration of the report to be considered in the public domain.

The Housing Services Manager advised that prior to consideration of the report she would ascertain whether consideration of the report could be delayed for one cycle.

81 REVIEW OF OFF STREET PARKING ORDER

The Executive considered a report by the Parking Manager (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the review of the off street parking order.

In response to questions from the Executive, the Procurement and Service Delivery Manager advised:

- Landkey (Millenium Green) change of condition from N29, maximum stay 7 days to new condition N45 maximum stay **3 days** (and not 2 days as stated in the report).
- Bakery Way, Landkey – the change of condition from N29, maximum stay 7 days to new condition N45 maximum stay 3 days could also be applied to this car park so that both car parks in Landkey had the same conditions.
- Signage costs for car parks had only been included within the report. The riverfront signs costs are provided for within the Estates maintenance budget.

Councillor Moore expressed concern regarding parking problems in South Molton, which the Procurement and Service Manager had previously discussed with South Molton Town Council. There was a need to undertake enforcement action in the area.

DECISIONS

(a) That the changes requested by Parishes be accepted and the following amendments be included into the Off Street Parking Order:

(i) **Lynton and Lynmouth Town Council**

Approve and adopt the charges and regulations for new Cemetery car park as described in paragraphs 4.1 and 4.2 and shown in Appendix 1 of the report.

(ii) **Combe Martin Parish Council**

Approve and adopt the amendment to charges at Carmelles car park as described in paragraph 4.3 and shown in Appendix 1 of the report.

- (iii) **Instow Parish Council**
Approve and adopt the amendment to charges for Marine car park as described in paragraph 4.4 and shown in Appendix 1 of the report.
- (b) That the creation of Mill Road car park on the Off Street Parking Order be approved and the charges and regulations as described in paragraph 4.5 and Appendix 1 of the report be adopted;
- (c) That the pay and display charges at the Rugby Club car park on the Off Street Parking Order as described in paragraph 4.5 and Appendix 1 of the report be approved and adopted that all other permits to remain as existing;
- (d) That the introduction of a no parking area on the land between the Strand and the river, to be referred to as The Riverfront in the Off Street Parking Order as described in paragraph 4.6 and Appendix 1 of the report be approved;
- (e) That the addition of condition N5, maximum stay 3 hours, for Seven Brethren short stay Jubilee Gardens Museum, as described in paragraphs 4.7 and 4.8 of the report be approved;
- (f) That the change of condition from N29 maximum stay 7 days to new condition N45 maximum stay 3 days, as described in paragraph 4.9 of the report be approved for Landkey (Millenium Green) car park;
- (g) That the change of condition from N29 maximum stay 7 days to new condition N45 maximum stay 3 days, be approved for Bakery Way, Landkey car park.

REASONS FOR DECISIONS

To update the Off Street Parking Order to reflect current needs of Parish, Town and District Councils following the annual review.

82 SEVEN BRETHREN MASTERPLAN

The Executive considered a report by the Economic Growth Manager (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the Seven Brethren masterplan.

The Economic Growth Manager highlighted the following:

- A masterplanning exercise had been completed by Jones Lang Lasalle, which was reported to Executive on 3rd January 2017.

- Since then a range of further work had been undertaken to enable development to progress at Seven Brethren as per the masterplan which included:
 - Site investigations
 - Car parking study – the outcomes of this study would be presented to the Executive on 8th January 2018.
- The information provided by the site investigation and car parking studies alongside the further advice from Jones Lang Lasalle had led to the development of an alternative masterplan for Seven Brethren as detailed in Appendix A of the report. The revised masterplan included: the potential relocation of the long stay parking to the very rear of the site and for this long stay car parking site which was within the recommended distance for a long stay car park from the town centre; and a focus on residential uses on the footprint of the current leisure centre, the current car park and the current events area.
- The next step would be to prepare a site development brief. Discussions were ongoing with the planning team to ensure the policy framework was strengthened to enable the delivery of the revised masterplan as this would provide significant public benefits. It was suggested that this piece of work may be outsourced for expediency.
- The Environment Agency (EA) was working in partnership with the developers of Anchorwood Bank and a planning application for the flood defence works required to be delivered on Seven Brethren was expected to be submitted in the near future. These works would improve defences at Seven Brethren. Further discussions had been held with the EA about further works required to enable residential uses at Seven Brethren and the EA advice was to increase the ground levels on some parts of the proposed residential development area, as well as specific advice around the design of residential properties.
- Further work would be undertaken on the costs and values associated with the revised masterplan.

Councillor Greenslade declared a personal interest as Devon County Council Member appointed to sit on the Barnstaple Town Centre Management Team.

Councillor Greenslade referred to the previous consideration of the masterplan for Seven Brethren whereby the issue of Asda providing funding to protect the viability of the town centre was discussed and that a report was due to be presented to a future Executive.

In response, the Economic Growth Manager confirmed that a report would be presented to a future Executive on this issue.

Councillor Luggar declared a personal interest as a Member of the Barnstaple Town Centre Management Team.

In response to questions, the Economic Growth Manager confirmed the following:

- That pedestrian and cyclist links would be considered in detail at the next stage of the masterplan.
- The footprint of the Leisure Centre on appendix A had been amended as a result of the new leisure centre project.
- On the original masterplan, BJ's were proposed to relocate. However, following further discussions with the consultants and others, this relocation was no longer being discussed.
- The site identified as number 6 on Appendix A had not been included in the masterplan. This was occupied and subject to a long lease.
- The outcome of the Land Release Fund application would be known in early 2018.
- Discussions regarding the proposed pedestrian cycle bridge were still ongoing.

In response to a question, the Chief Planning Officer advised that the supplementary planning document for Seven Brethren could be produced in-house as staff had the necessary expertise, knowledge and time to produce it.

DECISIONS

- (a) That the site be brought forward for development on the basis of the revised masterplan for Seven Brethren as detailed in Appendix A of the report;
- (b) That the supplementary planning document be produced in-house and not outsourced, as long as timescales allow.

REASONS FOR DECISIONS

- (a) This project directly supports North Devon Council's vision to create a stronger North Devon, and will support the growth of the North Devon economy, one of the council's two headline corporate objectives.
- (b) Regeneration of the Seven Brethren site brings a range of benefits which include:
 - (i) Realisation of a capital receipt which supports the proposed new leisure centre investment and delivery, and also supports the requirement to demolish the old leisure centre in 4-5 years, which has a ballpark estimate of £250K. A capital receipt from Seven Brethren regeneration enables North Devon Council to invest in future projects to improve the prosperity of North Devon.

- (ii) The new uses proposed in the revised masterplan will support the vitality and viability of the town centre and provide much needed residential units in a sustainable location.
- (iii) The uses proposed would increase revenues including council tax, plus New Homes Bonus/equivalent incentives. Such revenues enable North Devon Council to continue delivering the level of services North Devon requires, and to invest in future projects.
- (c) Housing delivery is a significant concern within the UK as a whole, with many young people unable to afford to buy homes. This is particularly so in North Devon where average incomes are low in relation to average house prices Local authorities are being encouraged to enable housing delivery in sustainable locations.
- (d) Resources within the planning team had the necessary expertise and knowledge to produce the supplementary planning document.

83 EXMOOR HILL FARMING NETWORK

The Executive considered a report by the Economic Growth Manager (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding providing a grant for the Exmoor Hill Farming Network project.

The Economic Growth Manager highlighted the following:

- The Exmoor Hill Farming Network was a small but successful farmer-led network project supporting the agricultural economy in one of the remotest parts of North Devon district.
- The project was due to come to an end at the end of January 2018, and work had been underway bidding for further funding to extend the project for a period of three years.

Councillor Edgell declared a personal interest as a Member of Exmoor National Park Authority.

In response to a question, the Chief Executive confirmed that the project was a self contained scheme specifically looking at the vibrancy of the Exmoor economy.

Councillor Yabsley declared a personal interest as the Devon County Council Member representing Brayford, Twitchen and Molland (part of which was located within Exmoor) and a member of the Devon County Council Farm Estates Committee.

In response to a question, the Chief Executive advised that the contribution from Exmoor National Park Authority would not be known until their budget had been set, however, their contribution to the project far outweighed North Devon Council's proposed contribution.

DECISIONS

- (a) That financial support for the Exmoor Hill Farming Network project with an indicative annual grant of £5,000 for the next 3 years (2017/18, 2018/19, 2019/20) subject to annual NDC budget setting approval be agreed in principle;
- (b) That the grant award be subject to the Exmoor Hill Farming Network project securing match funding from the Prince's Countryside Fund and Exmoor National Park Authority.

REASONS FOR DECISIONS

- (a) The Exmoor Hill Farming Network has been successfully delivering for the last four years, and is supported by Exmoor's farming community and Exmoor National Park Authority.
- (b) The project supports a less accessible area of North Devon District where there are few opportunities to develop the economy.
- (c) NDC funding will assist in drawing down match funding from the Prince's Countryside Fund.

84 ORDER OF AGENDA

RESOLVED that item 11 be considered prior to item 9 on the agenda.

85 APPROVAL AND RELEASE OF SECTION 106 FUNDS

The Executive considered a report by the Project, Procurement and Open Space Officer (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the allocation of section 106 public open space funds towards the purchase of land to enable the creation of a new multi pitch site.

DECISIONS

- (a) That £74,689.25 be allocated to South Molton Football Club towards the purchase of land to support a new multi pitch site;

- (b) That the total fund of £74,689.25 be released, subject to a Funding Agreement upon such terms and conditions as may be agreed Head of Corporate and Community Services.

RECOMMENDATION

- (c) That Council vary the Capital Programme by £28,580 added to the £46,109.25 which already forms part of the open space allocation within the capital programme.

REASONS FOR DECISIONS/RECOMMENDATION

- (a) To ensure that appropriate funding is transferred into and released from the capital programme.
- (b) To provide sports pitches for the community.
- (c) The project is identified as part of the recently adopted Playing Pitch Strategy.

86 HEART OF THE SOUTH WEST – JOINT COMMITTEE

The Executive considered a report by the Head of Corporate and Community (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the establishment of the Heart of the South West Joint Committee to move forward with the adoption of the Productivity Plan.

Councillor Greenslade addressed the Committee in his capacity as Chairman of the Overview and Scrutiny Committee. He stated that the joint committee would not achieve real devolution. It was a half measure with more money being spent on another tier of administration. He raised concern regarding how all Councillors would democratically involved with the joint committee and requested that a strong recommendation be made by the Executive accordingly. He advised that he was minded to call in the decision of the Executive for scrutiny by the Overview and Scrutiny Committee should the Executive not include such a recommendation as part of its decision.

The Head of Corporate and Community confirmed that the joint committee would only have power to agree and adopt the Productivity Plan. The Council could decide how Councillors could be kept informed of the work of the joint committee.

The Chief Executive confirmed that the establishment of the joint committee was the first stage of the process and that the joint committee would manage the on going process of developing the productivity strategy and further discussions with Government.

RECOMMENDED

- (a) That the recommendation of the HotSW Leaders (meeting as a shadow Joint Committee) to form a Joint Committee for the Heart of the South West be approved;
- (b) That the Arrangements and Inter-Authority Agreement documents attached to the report for the establishment of the Joint Committee with the commencement date of Monday 22nd January 2018 be approved;
- (c) That the Leader and Deputy Leader be appointed as the Council's named representative and substitute named representative on the Joint Committee;
- (d) That Somerset County Council be appointed as the Administering Authority for the Joint Committee for a 2 year period commencing 22nd January 2018;
- (e) That the transfer of the remaining joint devolution budget to meet the support costs of the Joint Committee for the remainder of 2017/18 financial year be approved subject to approval of any expenditure by the Administering Authority;
- (f) That an initial contribution of £1400 for 2018/19 be approved to fund the administration and the work programme of the Joint Committee, noting that any expenditure will be subject to the approval of the Administering Authority;
- (g) That the key function of the Joint Committee be agreed to approve the Productivity Strategy (it is intended to bring the Strategy to the Joint Committee for approval by February 2018);
- (h) That the initial work programme of the Joint Committee aimed at the successful delivery of the Productivity Strategy be authorised;
- (i) That the proposed meeting arrangements for the Joint Committee including the timetable of meetings for the Joint Committee as proposed in paragraph 2.14 of the proforma report attached to the report be agreed.

REASON FOR RECOMMENDATION

As set out in the proforma report attached to the report.

RESOLVED that item 13 be considered before item 10 on the agenda.

88 **SERVICE PLANS, FOOD SAFETY AND HEALTH AND SAFETY**

The Executive considered a report by the Lead Officer for Food, Health and Safety (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding the approval of Service Plans for Food Safety and Health and Safety.

RECOMMENDED

That the Food Safety Service Plan and Health & Safety Service Plan for 2017/19 be approved, a copy of which was available in the Members' room for consultation and followed a similar format and content to the previously agreed Service Plans for 2015/17.

REASON FOR RECOMMENDATION

By noting and approving the contents of the report, the requirements of the Health and Safety Executive and the Food Standards Agency can be met.

89 **EXECUTION OF SECTION 106 AGREEMENT – WESTACOTT GRANGE**

Councillor Moore declared a prejudicial interest as his son lived in the area and left the meeting.

A letter from Bird Wilford and Sale Solicitors on behalf of Barwood had been tabled.

RESOLVED that the meeting be adjourned for five minutes to enable the Executive the opportunity to read the contents of the letter.

RESOLVED that the meeting be reconvened.

The Executive considered a report by the Head of Corporate and Community (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding approval for the Council to enter into a section 106 agreement in relation to planning application 62187 at Westacott Grange, Barnstaple.

The Head of Corporate and Community highlighted the following:

- The Planning Committee had approved consent under planning consent 62187 for outline consent for a residential scheme of up to 149 units at Westacott Grange. This approval was subject to the prior completion of a section 106 agreement which would secure various contributions and also the contribution of an access road.
- The Council owned part of the application site, which was public open space, and therefore had been requested to enter into the agreement. It was proposed by the developer that an access road would be constructed across this land to connect the development with Westacott Road.
- In order to ensure that the development does not proceed without that access road being constructed, Devon County Council was requesting that the Council as landowner to enter into the agreement and to enter into an covenant that before the development was commenced, the District Council would enter into a Highways Agreement to secure the carrying out of the construction of the highway and its subsequent adoption.
- It must be made clear that the District Council had not entered into any agreement with the developer over the use of its land. Entering into the section 106 agreement would not affect the Council's position because specific wording had been written into the agreement that the covenants would not come into effect until such time as the District Council had sold the land or granted rights over it.
- Therefore, if the Council decided not to sell the land or grant rights over it, the development would not be able to proceed in the form applied for. The section 106 also stated that the section 106 would not fetter the discretion of the Council to deal with its land.
- The letter from Bird Wilford Sale Solicitors had been sent on behalf of Barwood, who was the promoter of the adjoining land delivering strategic allocation reference BAR01. He advised that the letter requested the Executive to not sign the section 106 as land owner owing to the site not providing connectivity to between this land and Barwood land and the infrastructure contributions not being allocated proportionally.
- If the Executive agreed to enter into the section 106 agreement, the Council would be under no obligation to sell the land.

The Chief Planning Officer advised that without a signed section 106 agreement, the Council was not able to issue the planning permission for this site. The developers may consider selling the site onto another developer once planning permission had been granted.

In response to a question, the Head of Corporate and Community advised that as the Council site was public open space, the Council would need to undertake consultation regarding the disposal of the land which was a statutory process. The developer was aware of the Council's position and that it would be a lengthy process. If the Council did not enter into the section 106 agreement, the planning consent would not be issued and the developer could go to appeal.

In response to a question, the Chief Planning Officer advised that the Inspector would be holding a further Inquiry during January 2018 whereby it was anticipated that the Inspector would review all applications which had been approved but section 106 agreements had not been signed.

In response to questions, the Head of Corporate and Community advised that officers did not have delegated authority to sign the section 106 agreement, therefore it was a decision required to be made by the Executive. If Barwood as landowner had submitted a planning application for access across Council owned land, the Council would be required to enter into a section 106 agreement with them also. With reference to the penultimate paragraph in the letter regarding making a legal challenge to the Council, this was in relation to if the planning permission was issued a challenge would be made in relation to the issues raised regarding connectivity and not in relation to the Council entering into a section 106 agreement. If the Council agreed at a later date to sell the land or enter into an agreement, then a condition could be placed on that agreement to provide a public open space on the site.

RESOLVED that the vote now be taken.

DECISION

That without prejudice to any future decision as to the disposal or use of the Council's land approve the Council entering into the section 106 agreement as landowner.

REASON FOR DECISION

To enable planning consent to be issued.

90 AMENDMENT TO EXECUTIVE DELEGATIONS

The Executive considered a report by the Head of Corporate and Community and Monitoring Officer (circulated previously), the options and/or alternatives and other relevant facts set out in the report regarding amending the current scheme of delegations to provide a new power for the Chief Executive to take a decision relating to the naming of streets and numbering of properties.

DECISION

That the Scheme of Delegations within the Constitution be amended by the following addition to the powers granted to the Chief Executive:-

“Subject to prior consultation in accordance with the adopted Street Naming and Numbering of Properties Policy, the power to name streets and number properties within the North Devon Council area.”

REASON FOR DECISION

To clarify the power to take decisions in this respect.

91 **BEAUFORT WALK, GORWELL**

Further to minute 80, the Head of Corporate and Community advised that the Housing Services Manager had confirmed that the report contained some commercially sensitive information and information relating to tenants. North Devon Homes had confirmed that they were in agreement for the report be deferred for one cycle to enable those elements of the report that were confidential to be removed and allow the report to be considered in the public domain.

DECISION

That consideration of the report be deferred for one cycle.

REASON FOR DECISION

To enable those elements of the report that were confidential to be removed and allow the report to be considered in the public domain.

Chairman

The meeting ended at 12.15 p.m.

NOTE: The above decisions shall not take effect until the five clear working days have elapsed from the date of publication: 6th December 2017.